

110TH CONGRESS  
1ST SESSION

# H. R. 2940

To amend section 212 of the Immigration and Nationality Act with respect to discretionary determinations waiving an alien's inadmissibility based on certain activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. PERLMUTTER (for himself, Mr. KAGEN, Mr. WALZ of Minnesota, Mr. KIND, Mr. COSTA, Mr. DAVID DAVIS of Tennessee, and Ms. MCCOLLUM of Minnesota) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 212 of the Immigration and Nationality Act with respect to discretionary determinations waiving an alien's inadmissibility based on certain activities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. DISCRETIONARY DETERMINATIONS WAIVING**  
4       **GROUNDS OF INADMISSIBILITY.**

5       Section 212(d)(3)(B)(i) of the Immigration and Na-  
6       tionality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to  
7       read as follows:

1       “(B)(i) The Secretary of State, after concurrence by  
2 the Attorney General and the Secretary of Homeland Se-  
3 curity, or the Secretary of Homeland Security, after con-  
4 currence by the Secretary of State and the Attorney Gen-  
5 eral, may determine in such Secretary’s sole unreviewable  
6 discretion that subsection (a)(3)(B) shall not apply with  
7 respect to an alien within the scope of that subsection,  
8 or that subsection (a)(3)(B)(vi)(III) shall not apply to a  
9 group solely by virtue of having a subgroup within the  
10 scope of that subsection. Such a determination may be re-  
11 voked ab initio, without notice at any time, with respect  
12 to any and all persons subject to it. Such a determination  
13 shall neither prejudice the ability of the United States  
14 Government to commence criminal or civil proceedings in-  
15 volving a beneficiary of such a determination or any other  
16 person, nor create any substantive or procedural right or  
17 benefit for a beneficiary of such a determination or any  
18 other person. Notwithstanding any other provision of law  
19 (statutory or non-statutory), including section 2241 of  
20 title 28, United States Code, or any other habeas corpus  
21 provision, and sections 1361 and 1651 of such title, no  
22 court shall have jurisdiction to review such a determina-  
23 tion or revocation. The Secretary of State may not exercise  
24 the discretion provided in this clause with respect to an

1 alien at any time during which the alien is the subject  
2 of pending removal proceedings under section 240.”.

3 **SEC. 2. TECHNICAL CORRECTION TO EXCEPTION TO INAD-**  
4 **MISSIBILITY GROUND FOR TERRORIST AC-**  
5 **TIVITIES FOR SPOUSES AND CHILDREN.**

6 (a) IN GENERAL.—Section 212(a)(3)(B)(ii) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1182(a)(3)(B)(ii)) is amended by striking “Subclause  
9 (VII)” and inserting “Subclause (IX)”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall take effect on the date of the enact-  
12 ment of this Act, and such amendment and section  
13 212(a)(3)(B)(ii) of the Immigration and Nationality Act  
14 (8 U.S.C. 1182(a)(3)(B)(ii)), as amended by subsection  
15 (a), shall apply to—

16 (1) removal proceedings instituted before, on, or  
17 after the date of the enactment of this section; and

18 (2) acts and conditions constituting a ground  
19 for inadmissibility, excludability, deportation, or re-  
20 moval occurring or existing before, on, or after such  
21 date.

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